

MINUTES OF MEETING

GOVERNOR'S MINED LAND RECLAMATION ADVISORY COMMITTEE

A meeting of the Governor's Mined Land Reclamation Advisory Committee was held on December 7, 2006 at 1:30 p.m. at the Department of Mines, Minerals and Energy Office in Big Stone Gap.

Present

Barbara Altizer
Terrance Collier
Jerry Hamilton
Keith Horton
John Paul Jones
Tommy McAmis
Jackson McClanahan
Leslie Vincent
Douglas Wells

Absent

Robert Brendlinger
Vanessa Perry
Philip Shelton
Donna Stanley

Also Present

Dink Shackelford
Sandy Smith
Benny Wampler

Chairman John Jones called the meeting to order. Committee members reviewed and unanimously approved minutes of the last meeting on February 23, 2006.

Office of Surface Mining Proposed Rule on Ownership and Control.....Les Vincent

The proposed rule was published in the "Federal Register" on October 10, 2006. The proposed rule is a continuing result of the National Mining Association's litigation with the Office of Surface Mining (OSM) over a previous ownership and control rule. This is a second effort by OSM to propose new rules. It is a combination of doing some new things and eliminating some of the existing rules. OSM proposes to remove the federal involvement concerning improvidently issued permits. That is a state permitting issue.

There was a discussion among Committee members about permit submittal concerning ownership and control if the proposal should pass – any changes, etc. Committee members received a copy of the proposed rule. Les Vincent encouraged them to read it and submit comments if they wish.

Office of Surface Mining Proposed/Final Rule on Revegetation.....Les Vincent

Committee members received copies of a proposed rule on revegetation for Tennessee, mainly for information about the proposal for that state. A copy of the final rule for Topsoil Redistribution and Revegetation Success Standards for Virginia, dated August 30, 2006 was also distributed. The August 30 final rule gives the state authority to adopt some of the things learned through research and to start incorporating them into the regulations (Virginia Tech programs, Powell River Project, etc.).

A Permit Enhancement Work Group and Regulatory Work Group meeting is scheduled for December 11 at the Oxbow Center in St. Paul. The final rule will be discussed at the December 11 meeting and the work group will start the process of promulgating rules. Les suggested the members read the rule and solicit for comments within their company/organization. He also encouraged members to attend the meeting and participate in the rulemaking.

Chairman John Jones will discuss Total Maximum Daily Loads (TMDL) at the meeting. He will discuss how TMDL affects permits – when a permit is submitted, what happens if there is a TMDL problem, etc.

Other issues to be discussed at the meeting include instream water quality standards the Division recently began to enforce; finalize guidelines for slurry injection; reformulate the work group with industry; and certifications of ponds and fills.

U.S. Army Corps of Engineers Notice of Reissuing Nationwide Permits.....Les Vincent

The U.S. Army Corps of Engineers (Corps) is proposing to reissue and modify all Nationwide Permits (NWP). The Corps is being sued – Judge Chambers is expected to rule on the case soon as to whether or not the Corps can issue coal mining permits under NWPs.

The Corps is proposing to issue new NWPs that will be different than the Judge's ruling. The Corps proposes to require an Environmental Impact Statement (EIS) in order to get a permit. This would be complicated as it would require several Federal agencies to jointly review permits and all agree; be very expensive; take a long time to issue; and a company probably would not be able to hire enough people.

Other issues discussed include:

- Corps permit requirements; zero impact on endangered species;
- individual permits;
- thresholds; and
- remaining requirements.

Benny Wampler informed members that OSM will publish a draft EIS and proposed rule on stream buffer zones early next year.

2006-2007 Conflict of Interest Filing – Financial Disclosure Statement and Mandatory Conflict of Interest Training

Conflict of Interest Financial Disclosure Statements were distributed to Committee members. The completed forms are due to Evie Christopher in the Richmond Office by January 4, 2007.

Mandatory Conflict of Interest training was provided via DVD. The meeting was adjourned at the end of the DVD training.

